

Union Calendar No. 122

108TH CONGRESS
1ST SESSION

H. R. 2799

[Report No. 108–221]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2003

Mr. WOLF, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the

1 nology, as authorized by 15 U.S.C. 278c–278e,
2 \$62,590,000, to remain available until expended.

3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION
5 OPERATIONS, RESEARCH, AND FACILITIES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of activities authorized by law
8 for the National Oceanic and Atmospheric Administration,
9 including maintenance, operation, and hire of aircraft;
10 grants, contracts, or other payments to nonprofit organi-
11 zations for the purposes of conducting activities pursuant
12 to cooperative agreements; and relocation of facilities as
13 authorized, \$2,180,454,000: *Provided*, That fees and do-
14 nations received by the National Ocean Service for the
15 management of the national marine sanctuaries may be
16 retained and used for the salaries and expenses associated
17 with those activities, notwithstanding 31 U.S.C. 3302:
18 *Provided further*, That, in addition, \$79,251,000 shall be
19 derived by transfer from the fund entitled “Promote and
20 Develop Fishery Products and Research Pertaining to
21 American Fisheries”: *Provided further*, That, of the
22 \$2,276,705,000 provided for in direct obligations under
23 this heading (of which \$2,180,454,000 is appropriated
24 from the General Fund, \$79,251,000 is provided by trans-
25 fer, and \$17,000,000 is derived from deobligations from
26 prior years), \$363,239,000 shall be for the National

1 Ocean Service, \$545,072,000 shall be for the National
2 Marine Fisheries Service, \$306,443,000 shall be for Oce-
3 anic and Atmospheric Research, \$713,773,000 shall be for
4 the National Weather Service, \$146,334,000 shall be for
5 the National Environmental Satellite, Data, and Informa-
6 tion Service, and \$201,844,000 shall be for Program Sup-
7 port: *Provided further*, That no general administrative
8 charge shall be applied against an assigned activity in-
9 cluded in this Act and, further, that any direct administra-
10 tive expenses applied against an assigned activity shall be
11 limited to 5 percent of the funds provided for that as-
12 signed activity so that total National Oceanic and Atmos-
13 pheric Administration administrative expenses shall not
14 exceed \$243,000,000: *Provided further*, That any use of
15 deobligated balances of funds provided under this heading
16 in previous years shall be subject to the procedures set
17 forth in section 605 of this Act: *Provided further*, That
18 none of the funds under this heading are available to alter
19 the existing structure, organization, function, and funding
20 of the National Marine Fisheries Service Southwest Re-
21 gion and Fisheries Science Center and Northwest Region
22 and Fisheries Science Center: *Provided further*, That fund-
23 ing provided under this heading for ocean and coastal ob-
24 serving system grants shall require an equal match from
25 other non-Federal sources: *Provided further*, That, here-

1 after, the Secretary of Commerce may enter into coopera-
2 tive agreements with the Joint and Cooperative Institutes
3 as designated by the Secretary to use the personnel, serv-
4 ices, or facilities of such organizations for research, edu-
5 cation, training, and outreach.

6 In addition, for necessary retired pay expenses under
7 the Retired Serviceman's Family Protection and Survivor
8 Benefits Plan, and for payments for medical care of re-
9 tired personnel and their dependents under the Depend-
10 ents Medical Care Act (10 U.S.C. ch. 55), such sums as
11 may be necessary.

12 PROCUREMENT, ACQUISITION AND CONSTRUCTION

13 For procurement, acquisition and construction of
14 capital assets, including alteration and modification costs,
15 of the National Oceanic and Atmospheric Administration,
16 \$794,059,000, to remain available until September 30,
17 2006, except for funds appropriated for the National Ma-
18 rine Fisheries Service Honolulu Laboratory and for the
19 National Environmental Satellites, Data, and Information
20 Service, which shall remain available until expended: *Pro-*
21 *vided*, That of the amounts provided for the National
22 Polar-orbiting Operational Environmental Satellite Sys-
23 tem, funds shall only be made available on a dollar for
24 dollar matching basis with funds provided for the same
25 purpose by the Department of Defense: *Provided further*,
26 That none of the funds provided in this Act or any other

1 Act under the heading “National Oceanic and Atmos-
2 pheric Administration, Procurement, Acquisition and Con-
3 struction” shall be used to fund the General Services Ad-
4 ministration’s standard construction and tenant build-out
5 costs of a facility at the Suitland Federal Center.

6 PACIFIC COASTAL SALMON RECOVERY

7 For necessary expenses associated with the restora-
8 tion of Pacific salmon populations, \$90,000,000.

9 FISHERIES FINANCE PROGRAM ACCOUNT

10 Funds provided under this heading for the costs of
11 direct loans authorized by the Merchant Marine Act of
12 1936, including the cost of modifying such loans, shall be
13 as defined in section 502 of the Congressional Budget Act
14 of 1974: *Provided*, That these funds are available to sub-
15 sidize gross obligations for the principal amount of direct
16 loans not to exceed \$59,000,000 only to finance fishing
17 capacity reduction programs, individual fishing quotas, re-
18 conditioning of fishing vessels for the purpose of reducing
19 bycatch or reducing capacity in an overfished or over-cap-
20 italized fishery, and the purchase of assets sold at fore-
21 closure instituted by the Secretary of Commerce: *Provided*
22 *further*, That none of the funds made available under this
23 heading may be used for direct loans for any new fishing
24 vessel that will increase the harvesting capacity in any
25 United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$44,662,000: *Provided*, That not to exceed 11 full-time equivalents and \$1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$22,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for

1 hire of passenger motor vehicles as authorized by 31
2 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
3 3109; and uniforms or allowances therefore, as authorized
4 by law (5 U.S.C. 5901–5902).

5 SEC. 203. Hereafter, none of the funds made avail-
6 able by this or any other Act for the National Oceanic
7 and Atmospheric Administration may be used to support
8 the hurricane reconnaissance aircraft and activities that
9 are under the control of the United States Air Force or
10 the United States Air Force Reserve.

11 SEC. 204. Not to exceed 5 percent of any appropria-
12 tion made available for the current fiscal year for the De-
13 partment of Commerce in this Act may be transferred be-
14 tween such appropriations, but no such appropriation shall
15 be increased by more than 10 percent by any such trans-
16 fers: *Provided*, That any transfer pursuant to this section
17 shall be treated as a reprogramming of funds under sec-
18 tion 605 of this Act and shall not be available for obliga-
19 tion or expenditure except in compliance with the proce-
20 dures set forth in that section: *Provided further*, That the
21 Secretary of Commerce shall notify the Committees on Ap-
22 propriations at least 15 days in advance of the acquisition
23 or disposal of any capital asset (including land, structures,
24 and equipment) not specifically provided for in this or any

1 other Departments of Commerce, Justice, and State, the
2 Judiciary, and Related Agencies Appropriations Act.

3 SEC. 205. Any costs incurred by a department or
4 agency funded under this title resulting from personnel
5 actions taken in response to funding reductions included
6 in this title or from actions taken for the care and protec-
7 tion of loan collateral or grant property shall be absorbed
8 within the total budgetary resources available to such de-
9 partment or agency: *Provided*, That the authority to trans-
10 fer funds between appropriations accounts as may be nec-
11 essary to carry out this section is provided in addition to
12 authorities included elsewhere in this Act: *Provided fur-*
13 *ther*, That use of funds to carry out this section shall be
14 treated as a reprogramming of funds under section 605
15 of this Act and shall not be available for obligation or ex-
16 penditure except in compliance with the procedures set
17 forth in that section.

18 SEC. 206. The Secretary of Commerce may use the
19 Commerce franchise fund for expenses and equipment nec-
20 essary for the maintenance and operation of such adminis-
21 trative services as the Secretary determines may be per-
22 formed more advantageously as central services, pursuant
23 to section 403 of Public Law 103–356: *Provided*, That any
24 inventories, equipment, and other assets pertaining to the
25 services to be provided by such fund, either on hand or

1 on order, less the related liabilities or unpaid obligations,
2 and any appropriations made for the purpose of providing
3 capital shall be used to capitalize such fund: *Provided fur-*
4 *ther*, That such fund shall be paid in advance from funds
5 available to the Department of Commerce and other Fed-
6 eral agencies for which such centralized services are per-
7 formed, at rates which will return in full all expenses of
8 operation, including accrued leave, depreciation of fund
9 plant and equipment, amortization of automated data
10 processing (ADP) software and systems (either acquired
11 or donated), and an amount necessary to maintain a rea-
12 sonable operating reserve, as determined by the Secretary:
13 *Provided further*, That such fund shall provide services on
14 a competitive basis: *Provided further*, That an amount not
15 to exceed 4 percent of the total annual income to such
16 fund may be retained in the fund for fiscal year 2004 and
17 each fiscal year thereafter, to remain available until ex-
18 pended, to be used for the acquisition of capital equip-
19 ment, and for the improvement and implementation of de-
20 partment financial management, ADP, and other support
21 systems: *Provided further*, That such amounts retained in
22 the fund for fiscal year 2004 and each fiscal year there-
23 after shall be available for obligation and expenditure only
24 in accordance with section 605 of this Act: *Provided fur-*
25 *ther*, That no later than 30 days after the end of each

1 fiscal year, amounts in excess of this reserve limitation
2 shall be deposited as miscellaneous receipts in the Treas-
3 ury: *Provided further*, That such franchise fund pilot pro-
4 gram shall terminate pursuant to section 403(f) of Public
5 Law 103–356.

6 This title may be cited as the “Department of Com-
7 merce and Related Agencies Appropriations Act, 2004”.

8 TITLE III—THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For expenses necessary for the operation of the Su-
12 preme Court, as required by law, excluding care of the
13 building and grounds, including purchase or hire, driving,
14 maintenance, and operation of an automobile for the Chief
15 Justice, not to exceed \$10,000 for the purpose of trans-
16 porting Associate Justices, and hire of passenger motor
17 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
18 to exceed \$10,000 for official reception and representation
19 expenses; and for miscellaneous expenses, to be expended
20 as the Chief Justice may approve, \$55,360,000.

21 CARE OF THE BUILDING AND GROUNDS

22 For such expenditures as may be necessary to enable
23 the Architect of the Capitol to carry out the duties im-
24 posed upon the Architect as authorized by law,
25 \$10,591,000, which shall remain available until expended.

1 STATE JUSTICE INSTITUTE

2 SALARIES AND EXPENSES

3 For necessary expenses of the State Justice Institute,
4 as authorized by the State Justice Institute Authorization
5 Act of 1992 (Public Law 102–572), \$3,000,000: *Provided*,
6 That not to exceed \$2,500 shall be available for official
7 reception and representation expenses.

8 TITLE VI—GENERAL PROVISIONS

9 SEC. 601. No part of any appropriation contained in
10 this Act shall be used for publicity or propaganda purposes
11 not authorized by the Congress.

12 SEC. 602. No part of any appropriation contained in
13 this Act shall remain available for obligation beyond the
14 current fiscal year unless expressly so provided herein.

15 SEC. 603. The expenditure of any appropriation
16 under this Act for any consulting service through procure-
17 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
18 to those contracts where such expenditures are a matter
19 of public record and available for public inspection, except
20 where otherwise provided under existing law, or under ex-
21 isting Executive order issued pursuant to existing law.

22 SEC. 604. If any provision of this Act or the applica-
23 tion of such provision to any person or circumstances shall
24 be held invalid, the remainder of the Act and the applica-
25 tion of each provision to persons or circumstances other

1 than those as to which it is held invalid shall not be af-
2 fected thereby.

3 SEC. 605. (a) None of the funds provided under this
4 Act, or provided under previous appropriations Acts to the
5 agencies funded by this Act that remain available for obli-
6 gation or expenditure in fiscal year 2004, or provided from
7 any accounts in the Treasury of the United States derived
8 by the collection of fees available to the agencies funded
9 by this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds that (1) creates new
11 programs; (2) eliminates a program, project, or activity;
12 (3) increases funds or personnel by any means for any
13 project or activity for which funds have been denied or
14 restricted; (4) relocates an office or employees; (5) reorga-
15 nizes offices, programs, or activities; or (6) contracts out
16 or privatizes any functions or activities presently per-
17 formed by Federal employees; unless the Appropriations
18 Committees of both Houses of Congress are notified 15
19 days in advance of such reprogramming of funds.

20 (b) None of the funds provided under this Act, or
21 provided under previous appropriations Acts to the agen-
22 cies funded by this Act that remain available for obligation
23 or expenditure in fiscal year 2004, or provided from any
24 accounts in the Treasury of the United States derived by
25 the collection of fees available to the agencies funded by

1 this Act, shall be available for obligation or expenditure
2 for activities, programs, or projects through a reprogram-
3 ming of funds in excess of \$500,000 or 10 percent, which-
4 ever is less, that (1) augments existing programs, projects,
5 or activities; (2) reduces by 10 percent funding for any
6 existing program, project, or activity, or numbers of per-
7 sonnel by 10 percent as approved by Congress; or (3) re-
8 sults from any general savings from a reduction in per-
9 sonnel which would result in a change in existing pro-
10 grams, activities, or projects as approved by Congress; un-
11 less the Appropriations Committees of both Houses of
12 Congress are notified 15 days in advance of such re-
13 programming of funds.

14 SEC. 606. None of the funds made available in this
15 Act may be used for the construction, repair (other than
16 emergency repair), overhaul, conversion, or modernization
17 of vessels for the National Oceanic and Atmospheric Ad-
18 ministration in shipyards located outside of the United
19 States.

20 SEC. 607. (a) PURCHASE OF AMERICAN-MADE
21 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
22 gress that, to the greatest extent practicable, all equip-
23 ment and products purchased with funds made available
24 in this Act should be American-made.

1 (b) NOTICE REQUIREMENT.—In providing financial
2 assistance to, or entering into any contract with, any enti-
3 ty using funds made available in this Act, the head of each
4 Federal agency, to the greatest extent practicable, shall
5 provide to such entity a notice describing the statement
6 made in subsection (a) by the Congress.

7 (c) PROHIBITION OF CONTRACTS WITH PERSONS
8 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
9 If it has been finally determined by a court or Federal
10 agency that any person intentionally affixed a label bear-
11 ing a “Made in America” inscription, or any inscription
12 with the same meaning, to any product sold in or shipped
13 to the United States that is not made in the United
14 States, the person shall be ineligible to receive any con-
15 tract or subcontract made with funds made available in
16 this Act, pursuant to the debarment, suspension, and ineli-
17 gibility procedures described in sections 9.400 through
18 9.409 of title 48, Code of Federal Regulations.

19 SEC. 608. None of the funds made available in this
20 Act may be used to implement, administer, or enforce any
21 guidelines of the Equal Employment Opportunity Com-
22 mission covering harassment based on religion, when it is
23 made known to the Federal entity or official to which such
24 funds are made available that such guidelines do not differ
25 in any respect from the proposed guidelines published by

1 the Commission on October 1, 1993 (58 Fed. Reg.
2 51266).

3 SEC. 609. None of the funds made available by this
4 Act may be used for any United Nations undertaking
5 when it is made known to the Federal official having au-
6 thority to obligate or expend such funds that (1) the
7 United Nations undertaking is a peacekeeping mission; (2)
8 such undertaking will involve United States Armed Forces
9 under the command or operational control of a foreign na-
10 tional; and (3) the President's military advisors have not
11 submitted to the President a recommendation that such
12 involvement is in the national security interests of the
13 United States and the President has not submitted to the
14 Congress such a recommendation.

15 SEC. 610. (a) None of the funds appropriated or oth-
16 erwise made available by this Act shall be expended for
17 any purpose for which appropriations are prohibited by
18 section 609 of the Departments of Commerce, Justice, and
19 State, the Judiciary, and Related Agencies Appropriations
20 Act, 1999.

21 (b) The requirements in subparagraphs (A) and (B)
22 of section 609 of that Act shall continue to apply during
23 fiscal year 2004.

24 SEC. 611. Any costs incurred by a department or
25 agency funded under this Act resulting from personnel ac-

1 tions taken in response to funding reductions included in
2 this Act shall be absorbed within the total budgetary re-
3 sources available to such department or agency: *Provided*,
4 That the authority to transfer funds between appropria-
5 tions accounts as may be necessary to carry out this sec-
6 tion is provided in addition to authorities included else-
7 where in this Act: *Provided further*, That use of funds to
8 carry out this section shall be treated as a reprogramming
9 of funds under section 605 of this Act and shall not be
10 available for obligation or expenditure except in compli-
11 ance with the procedures set forth in that section.

12 SEC. 612. Of the funds appropriated in this Act
13 under the heading “Office of Justice Programs—State
14 and Local Law Enforcement Assistance”, not more than
15 90 percent of the amount to be awarded to an entity under
16 the Local Law Enforcement Block Grant shall be made
17 available to such an entity when it is made known to the
18 Federal official having authority to obligate or expend
19 such funds that the entity that employs a public safety
20 officer (as such term is defined in section 1204 of title
21 I of the Omnibus Crime Control and Safe Streets Act of
22 1968) does not provide such a public safety officer who
23 retires or is separated from service due to injury suffered
24 as the direct and proximate result of a personal injury
25 sustained in the line of duty while responding to an emer-

1 gency situation or a hot pursuit (as such terms are defined
2 by State law) with the same or better level of health insur-
3 ance benefits at the time of retirement or separation as
4 they received while on duty.

5 SEC. 613. None of the funds provided by this Act
6 shall be available to promote the sale or export of tobacco
7 or tobacco products, or to seek the reduction or removal
8 by any foreign country of restrictions on the marketing
9 of tobacco or tobacco products, except for restrictions
10 which are not applied equally to all tobacco or tobacco
11 products of the same type.

12 SEC. 614. (a) None of the funds appropriated or oth-
13 erwise made available by this Act shall be expended for
14 any purpose for which appropriations are prohibited by
15 section 616 of the Departments of Commerce, Justice, and
16 State, the Judiciary, and Related Agencies Appropriations
17 Act, 1999.

18 (b) The requirements in subsections (b) and (c) of
19 section 616 of that Act shall continue to apply during fis-
20 cal year 2004.

21 SEC. 615. None of the funds appropriated pursuant
22 to this Act or any other provision of law may be used for
23 (1) the implementation of any tax or fee in connection
24 with the implementation of 18 U.S.C. 922(t); and (2) any
25 system to implement 18 U.S.C. 922(t) that does not re-

1 quire and result in the immediate destruction of any iden-
2 tifying information submitted by or on behalf of any per-
3 son who has been determined not to be prohibited from
4 owning a firearm.

5 SEC. 616. Notwithstanding any other provision of
6 law, amounts deposited or available in the Fund estab-
7 lished under 42 U.S.C. 10601 in any fiscal year in excess
8 of \$625,000,000 shall not be available for obligation until
9 the following fiscal year.

10 SEC. 617. None of the funds made available to the
11 Department of Justice in this Act may be used to discrimi-
12 nate against or denigrate the religious or moral beliefs of
13 students who participate in programs for which financial
14 assistance is provided from those funds, or of the parents
15 or legal guardians of such students.

16 SEC. 618. None of the funds appropriated or other-
17 wise made available to the Department of State shall be
18 available for the purpose of granting either immigrant or
19 nonimmigrant visas, or both, consistent with the deter-
20 mination of the Secretary of State under section 243(d)
21 of the Immigration and Nationality Act, to citizens, sub-
22 jects, nationals, or residents of countries that the Sec-
23 retary of Homeland Security has determined deny or un-
24 reasonably delay accepting the return of citizens, subjects,
25 nationals, or residents under that section.

1 SEC. 619. None of the funds made available to the
2 Department of Justice in this Act may be used for the
3 purpose of transporting an individual who is a prisoner
4 pursuant to conviction for crime under State or Federal
5 law and is classified as a maximum or high security pris-
6 oner, other than to a prison or other facility certified by
7 the Federal Bureau of Prisons as appropriately secure for
8 housing such a prisoner.

9 SEC. 620. (a) None of the funds appropriated by this
10 Act may be used by Federal prisons to purchase cable tele-
11 vision services, to rent or purchase videocassettes, video-
12 cassette recorders, or other audiovisual or electronic equip-
13 ment used primarily for recreational purposes.

14 (b) The preceding sentence does not preclude the
15 renting, maintenance, or purchase of audiovisual or elec-
16 tronic equipment for inmate training, religious, or edu-
17 cational programs.

18 SEC. 621. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government, except
21 pursuant to a transfer made by, or transfer authority pro-
22 vided in, this Act or any other appropriation Act.

23 SEC. 622. The Departments of Commerce, Justice,
24 State, the Judiciary, and the Small Business Administra-
25 tion shall each establish a policy under which eligible em-

1 ployees may participate in telecommuting to the maximum
2 extent possible without diminished employee performance:
3 *Provided*, That, not later than six months after the date
4 of the enactment of this Act, each of the aforementioned
5 entities shall provide that the requirements of this section
6 are applied to 100 percent of the workforce: *Provided fur-*
7 *ther*, That, of the funds appropriated in this Act for the
8 Departments of Commerce, Justice, and State, the Judici-
9 ary, and the Small Business Administration, \$250,000
10 shall be available to each Department or agency only to
11 implement telecommuting programs: *Provided further*,
12 That, every six months, each Department or agency shall
13 provide a report to the Committees on Appropriations on
14 the status of telecommuting programs, including the num-
15 ber of Federal employees eligible for, and participating in,
16 such programs, and uses of funds designated under this
17 section: *Provided further*, That each Department or agency
18 shall designate a “Telework Coordinator” to be respon-
19 sible for overseeing the implementation of telecommuting
20 programs and serve as a point of contact on such pro-
21 grams for the Committees on Appropriations.

22 SEC. 623. The paragraph under the heading “Small
23 Business Administration—Disaster Loans Program Ac-
24 count” in chapter 2 of division B of Public Law 107–117

1 is amended by inserting “or section 7(b) of the Small
2 Business Act” after “September 11, 2001”.

3 SEC. 624. None of the funds in this Act may be used
4 to grant, transfer or assign a license for a commercial TV
5 broadcast station to any party (including all parties under
6 common control) if the grant, transfer or assignment of
7 such license would result in such party or any of its stock-
8 holders, partners, members, officers or directors, directly
9 or indirectly, owning, operating or controlling, or having
10 a cognizable interest in TV stations which have an aggre-
11 gate national audience reach, as defined in 47 C.F.R.
12 73.3555, exceeding thirty-five (35) percent.

13 SEC. 625. (a) Tracing studies conducted by the Bu-
14 reau of Alcohol, Tobacco, Firearms, and Explosives are
15 released without adequate disclaimers regarding the limi-
16 tations of the data.

17 (b) The Bureau of Alcohol, Tobacco, Firearms, and
18 Explosives shall include in all such data releases, language
19 similar to the following that would make clear that trace
20 data cannot be used to draw broad conclusions about fire-
21 arms-related crime:

22 “(1) Firearm traces are designed to assist law
23 enforcement authorities in conducting investigations
24 by tracking the sale and possession of specific fire-
25 arms. Law enforcement agencies may request fire-

1 arms traces for any reason, and those reasons are
 2 not necessarily reported to the Federal Government.
 3 Not all firearms used in crime are traced and not all
 4 firearms traced are used in crime.

5 “(2) Firearms selected for tracing are not cho-
 6 sen for purposes of determining which types, makes
 7 or models of firearms are used for illicit purposes.
 8 The firearms selected do not constitute a random
 9 sample and should not be considered representative
 10 of the larger universe of all firearms used by crimi-
 11 nals, or any subset of that universe. Firearms are
 12 normally traced to the first retail seller, and sources
 13 reported for firearms traced do not necessarily rep-
 14 resent the sources or methods by which firearms in
 15 general are acquired for use in crime.”.

16 TITLE VII—RESCISSIONS

17 DEPARTMENT OF JUSTICE

18 OFFICE OF JUSTICE PROGRAMS

19 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

20 (RESCISSION)

21 Of the unobligated balances available under this
 22 heading, \$24,122,000 are rescinded.

23 COMMUNITY ORIENTED POLICING SERVICES

24 (RESCISSION)

25 Of the unobligated balances available under this
 26 heading, \$6,378,000 are rescinded.

1 This Act may be cited as the “Departments of Com-
2 merce, Justice, and State, the Judiciary, and Related
3 Agencies Appropriations Act, 2004”.

Union Calendar No. 122

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1ST SESSION

H. R. 2799

[Report No. 108-221]

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

JULY 21, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed